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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1972.

NO. 72-841

ECLIPSE FUEL ENGINEERING CO.,

Petitioner,

vs.

MAXON PREMIX BURNER COMPANY, INC.,

Respondent.

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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The petition for writ of certiorari should be summarily denied for the simple reason that petitioner has totally failed to raise a single question worthy of review by this Court.[1]

The "Questions Presented" portion of the Petition takes up some five pages of the Petition, and appears to present some nineteen allegations of error below. These allegations even include an effort to obtain review of an argument characterized as "essentially frivolous" by the Court of Appeals.[2]

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[1] Petitioner incorrectly cites the "Opinion Below" as 175 U.S.P.Q. 331. The correct citation is 175 U.S.P.Q. 324 (7th Cir. 1972).

[2] A. 46, n. 8; 175 U.S.P.Q. at 328, n. 8.

While respondent does not accept petitioner's characterizations of the "questions presented," it is totally unnecessary to become involved in a debate on this issue. *It is perfectly clear that petitioner has been unable to point to any conflict in the circuits or to any other compelling reason for granting the writ.* Instead, petitioner simply seeks another appeal, characterizing the fact that petitioner lost below as an "outrageous abuse of the patent system."

Because petitioner has failed to raise any question worthy of review by this Court, it is respectfully submitted that the Petition for Certiorari should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Granger Cook, Jr., hereby certify that three copies of the foregoing "Brief in Opposition to Petition for Writ of Certiorari" were mailed first class, postage prepaid to Norman H. Gerlach, 105 West Adams Street, Chicago, Illinois 60603; and to Louis Robertson, Darbo, Robertson & Vandenburgh, P. O. Box 670, Arlington Heights, Illinois 60006, this 5th day of January, 1973.

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Granger Cook, Jr.